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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,012	03/31/2000	John S. Haikin	36J.P269	2555

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,012

Applicant(s)

HAIKIN ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-90 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1-50, 88-90, drawn to a method and apparatus for managing color data to transform source color image data from a source device into destination color image data, classified in class 358, subclass 1.9.
 - II. Claims 51, drawn to a method for managing color data to transform source color image data for rendering by a destination device, classified in class 358, subclass 518.
 - III. Claims 52-86, drawn to a memory comprising a colorimetric data structure, classified in class 358, subclass 523.
 - IV. Claim 87, drawn to a memory comprising a set of source color image data, classified in class 358, subclass 524.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a plurality of tags containing source device color characteristic data; invention III has separate utility such as a memory for access by a color management system comprising a colorimetric data structure; invention IV has separate utility such as a set of source color image data stored in the memory.
See MPEP § 806.05(d).

Art Unit: 2626

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Election of Species

4. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising:

a. The step of accessing a source color data file containing source device color characteristic data, viewing conditions, a set of tags.

i. The source device color characteristic data contains measured colorimetric data, corresponding device signal data, and a spectral measurement values corresponding to the source device. The measured colorimetric data represents a set of measured color values corresponding to a rendered color image, a set of measured color values corresponding to a color image rendered by the source device, a standard color space, and the corresponding device signal represents a set of input command signal values for the source device, a set of output command signal values from the source device, and the viewing condition data corresponding to a set of viewing conditions.

ii. The viewing condition data include ambient colorimetric specification data, surround colorimetric specification data, background colorimetric specification data, adapting field colorimetric specification data, desired viewing conditions.

- iii. The set of tags is for the source device color characteristic data, for a set of viewing condition data corresponding to a set of viewing conditions in which the source device color characteristic data was measured,
 - b. Constructing a source color transform wherein the source color transform is a look-up table, a polynomial function, a single-variate transform, a multi-variate transform. The step of constructing the source color transform utilizes a color appearance model, optimizes the source color transform for efficient application, optimizes the source color transform for increasing accuracy of a transformation of the source color image data, optimizes the source color transform for creating a preferred reproduction of the source color image data, is based on a type of the interim color space and color appearance model, on the viewing condition data,
 - c. Transforming the source color image data into interim color image data wherein the interim color space is a device independent color space such as CIE LAB, lightness and two orthogonal color components, a profile connection space.
- 5 Claim 52 is generic to a plurality of disclosed patentably distinct species comprising:
- a. a colorimetric data structure being formatted according to a predetermined format and containing a set of device color characteristic data elements representing a set of color characteristics of a color device and a set of viewing condition data elements representing a set of viewing conditions of a color, a set of tags.
 - i. The set of color characteristic of a color device contains measured colorimetric data, corresponding device signal data, and a spectral measurement values

Art Unit: 2626

corresponding to the source device. The measured colorimetric data represents a set of measured color values corresponding to a rendered color image, a set of measured color values corresponding to a color image rendered by the source device, a standard color space, and the corresponding device signal represents a set of input command signal values for the source device, a set of output command signal values from the source device, and the viewing condition data corresponding to a set of viewing conditions.

ii. The viewing condition data elements include ambient colorimetric specification data, surround colorimetric specification data, background colorimetric specification data, adapting field colorimetric specification data, desired viewing conditions.

iii. The set of tags is for the source device color characteristic data, for a set of viewing condition data corresponding to a set of viewing conditions in which the source device color characteristic data was measured,

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

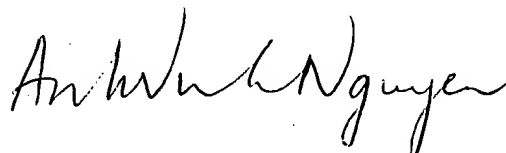
Art Unit: 2626

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 02, 2004

Madeleine AV Nguyen
Primary Examiner
Art Unit 2626